**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

GREENS-46002

First Named Inventor: Mark David Heath

Art Unit:

Application Number: 10/823,082

Examiner:

Filed: April 12, 2004

Title: STRUCTURAL PANEL AND METHOD OF FABRICATION

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact  
Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.**

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

**1. Petition fee**

☒ Small entity - fee \$ 250.00 (37 CFR 1.17(l)). Applicant claims small entity status.  
See 37 CFR 1.27.

☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(l)).

**2. Reply and/or fee**

A The reply and/or fee to the above-noted Office action in the form of  
Response to Notice to File Missing Parts (identify the type of reply):

☐ has been filed previously on \_\_\_\_\_

☒ is enclosed herewith.

B The issue fee of \$ \_\_\_\_\_

☐ has been filed previously on \_\_\_\_\_

☐ is enclosed herewith.

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

08/23/2005 TBESHAH1 00000074 10823082

01 FC:2452

02 FC:2001

03 FC:2202

250.00 DP

395.00 BP

75.00 GP

65-00-0000  
50-00-00

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

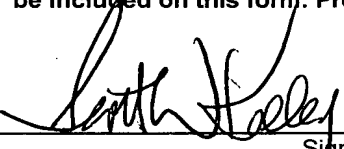
**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

**3. Terminal disclaimer with disclaimer fee**

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

**4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.**

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

  
\_\_\_\_\_  
Signature  
  
Scott W. Kelley  
\_\_\_\_\_  
Typed or printed name  
  
6320 Canoga Avenue, Suite 1650  
\_\_\_\_\_  
Address  
  
Woodland Hills, CA 91367  
\_\_\_\_\_  
Address

August 18, 2005  
\_\_\_\_\_  
Date  
  
30,762  
\_\_\_\_\_  
Registration Number, if applicable  
  
(818) 347-7900  
\_\_\_\_\_  
Telephone Number

Enclosure ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unavoidable delay

☒ Notice to File Missing Parts and Notice of Abandonment

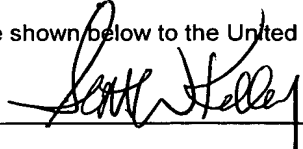
**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

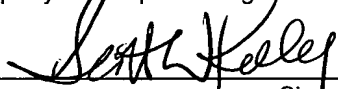
☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 272-8300.

August 18, 2005  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature  
  
Scott W. Kelley  
\_\_\_\_\_  
Typed or printed name of person signing certificate

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.



Signature

Scott W. Kelley

Typed or printed name

August 18, 2005

Date

30,762

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

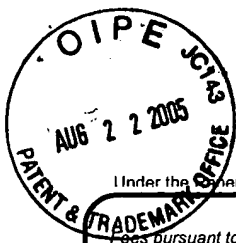
The application was abandoned for a failure to timely or properly file a reply to the Notice to File Missing Parts (Notice) mailed on June 24, 2004. Neither applicant nor applicant's representative received the Notice to File Missing Parts of Nonprovisional Application dated June 24, 2004 because it was directed to Motorola, Inc. Intellectual Property Department, P.O. Box 10219, Scottsdale, AZ 85271-0219, as indicated on the Notice itself. In reviewing the file it appears that the address error occurred because on the utility patent application transmittal form PTO/SB/05 (01/04), the incorrect Customer Number of "2625" was typed in instead of the correct Customer Number "26252".

On March 31, 2005 the undersigned submitted a Status Letter regarding the application (copy enclosed). No reply was received. As part of normal follow up on applications where nothing short of the return receipt postcard bearing the patent application serial number and official filing date had been received (copy also enclosed), Ms. Jody Cohan of the undersigned's office attempted to determine the status on the U.S.P.T.O. PAIR System. Since it was not available, she left a voice message with the Patent Assistance Center (703) 305-1801 on August 2, 2005. We received a telephone call from Ms. Durham in the Initial Patent Examination Office who indicated that the application had been abandoned on March 17, 2005 for failure to respond to the Missing Parts Notice. Ms. Durham then faxed, the next day (August 3, 2005), copies of the June 24, 2004 Notice to File Missing Parts of Nonprovisional Application and the March 17, 2005 Notice of Abandonment, both of which had been mailed to the Motorola, Inc. Intellectual Property Department.

On receipt of these materials, the required Oath or Declaration and a Power of Attorney was re-prepared and forwarded immediately to the inventor for signature. It accompanies the Response to Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted, which is attached hereto.

In view of the foregoing, it is submitted that the delay in responding to the Notice was unavoidable and it is requested that the application be revived.

*(Please attach additional sheets if additional space is needed.)*



PTO/SB/17 (12-04v2)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2005

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 815.00

**Complete if Known**

Application Number	10/823,082
Filing Date	April 12, 2004
First Named Inventor	Mark David Heath
Examiner Name	
Art Unit	
Attorney Docket No.	GREENS-46002

**METHOD OF PAYMENT** (check all that apply)☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_☐ Deposit Account Deposit Account Number: \_\_\_\_\_ Deposit Account Name: \_\_\_\_\_

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	500
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES****Fee Description**

	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP =	x	=	

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 3 or HP =	x	=	

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Surcharge (\$65); Petition for Revival (\$250)

Fees Paid (\$)

315

**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent) 30,762	Telephone (818)347-7900
Name (Print/Type)	Scott W. Kelley	Date August 18, 2005	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



RECEIVED

APR 19 2004

KELLY BAUERSFELD LOWRY & KELLEY

Please acknowledge receipt of our CONTINUATION UTILITY PATENT APPLICATION, EIGHT SHEETS OF INFORMAL DRAWINGS, INFORMATION DISCLOSURE STATEMENT, IDS BY APPLICANT FORM (SB/08A); TRANSMITTAL (PTO/SB/05) and FEE TRANSMITTAL (PTO/SB/17) by affixing hereon the Patent and Trademark Office date stamp and returning same to our office.  
In re application of:

EL964302799US

Mark David Heath

For: STRUCTURAL PANEL AND METHOD OF FABRICATION

Serial No.: [Continuation of Serial No. 09/539,818]

Filed: [Concurrently; parent filed 03/31/2000]

Mailed: April 12, 2004 15535 U.S. PTO

SWK/GREENS-46002



041204

FILED WITHOUT FEES OR SIGNATURES

I hereby certify that this correspondence is being deposited with the United States Postal Service first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 31, 2005

Scott W. Kelley, Reg. No. 30,762 March 31, 2005  
Date



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	)	Group Art Unit:
	)	
MARK DAVID HEATH	)	Examiner:
	)	
Serial No. 10/823,082	)	
	)	
Filed: April 12, 2004	)	Docket No. GREENS-46002
	)	
For: STRUCTURAL PANEL AND	)	
METHOD OF FABRICATION	)	
_____	)	

STATUS LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

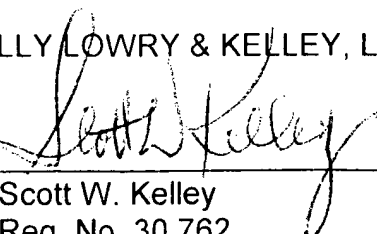
Sir or Madam:

Please advise us of the status of the above-identified patent application. The last paper in our file is a Filing Receipt Postcard, which was received in our office on April 19, 2004 (copy enclosed). We also enclose a copy of the application as filed on April 12, 2004.

Respectfully submitted,

KELLY LOWRY & KELLEY, LLP

By

  
\_\_\_\_\_  
Scott W. Kelley  
Reg. No. 30,762  
Attorney for Applicant

SWK:lt  
Enclosure  
6320 Canoga Avenue, Suite 1650  
Woodland Hills, CA 91367  
(818) 347-7900



Please acknowledge receipt of our STATUS LETTER, by affixing hereon the Patent and Trademark Office date stamp and returning same to our office.

In re application of:

**RECEIVED**

APR 08 2005

Mark David Heath  
Serial No. 10/823,082  
Filed: April 14, 2004

For: STRUCTURAL PANEL AND METHOD OF FABRICATION  
Mailed: March 31, 2005  
SWK/lt GREENS-46002

**KELLY LOWRY & KELLEY, LLP**

